IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 723 OF 2004

IN

SUMMARY SUIT NO. 136 OF 2004

Manjit Kaur Sawhney .....**Plffs.**
vs.
Rajesh Kumar Co. and ors. .....**Defnds.**

O.M. Ashfaq for the plffs.

Naushed Engineer a/w. Sanjay Udeshi for the defnds.

CORAM: S.U. KAMDAR, J.

DATE : 20th September, 2005.

P.C. :.

1. The present suit is filed on promissory note which is annexed as Ex.A to the plaint. The demand notice was issued as no payment was forthcoming. Therefore the present suit is filed by the plaintiff for the recovery of Rs.12,69,000/- which includes interest of Rs.5,19,000/- and an principal

amount of Rs.7,50,000/-. It is the case of the defendant that there are various other transaction under which a cheque was given by the plaintiff to the defendant has been dishonoured. However in so far as the present suit is concerned it is only for the promissory note and not with other transactions. Other transactions are not connected with the said promissory note. In that view I find no defence in the matter. However with a view to grant an opportunity to the defendant to defend the suit, I direct the defendant to deposit Rs.12 lacs within four weeks. failing which the plaintiff will be entitled to the decree. The amount so deposited will be invested by the Prothonotary and Senior master in fixed deposits of any nationalised bank initially for a period of three years and renew the same from time to time till further orders.

3. If the amount is paid as aforestated, then suit is transferred to the list of Commercial Causes. Written statement or points of defence to

be filed four weeks from the date of deposit. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.

sd/-

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